



**STATE MINING & GEOLOGY BOARD**  
DEPARTMENT OF CONSERVATION  
STATE OF CALIFORNIA



**RESULTS**

**THE STATE MINING AND GEOLOGY BOARD**

**Held a Regular Business Meeting on:**

**November 14, 2002**

**8:00 A.M.**

**City Hall Council Chambers  
3200 Tahquitz Canyon Way  
Palm Springs, California**

**AGENDA**

(NOTE: Time are approximate. The Chairman may alter the hearing start time or agenda item order during the meeting)

**\*\*NOTE: Items with asterisk (\*) likely will be considered early in the meeting**

- I Call to Order (Jones)**
- II Roll Call and Declaration of a Quorum** **A Quorum was established**
- III Director's Report (Young, Department of Conservation)** (Information)
- IV Chairman's Report (Jones)** (Information)
- V Executive Officer's Report (Parrish)** (Information)
- VI Good of the Meeting** (Information)  
(This time is scheduled to provide the public with an opportunity to address non-agenda items. Those wishing to speak should do so at this time. Speakers are limited to three minutes except by special consent of the Chairman)
- VII Consent Items** (Action)
  - \* 1. Approval of Minutes, September 12, 2002 Regular Business Meeting  
Staff Report  
**Approved**
  - \* 2. Denial of Request for Exemption from SMARA, Pursuant to PRC  
§ 2714(f) of a Surface Mine Operation, by Alice Sohrakoff, for Property in Yuba  
County, as Recommended by the Surface Mining Standards Committee  
Staff Report  
**Request Denied**

*Mission of the State Mining and Geology Board is to Represent the State's Interest in the  
Development, Utilization and Conservation of Mineral Resources; Reclamation of Mined Lands;  
Development of Geologic and Seismic Hazard Information; and to Provide a Forum  
for Public Redress*

**VIII Continued Business Items**

**(Action)**

(These business items have been continued from a previous meeting)

3. Approval of Mitigated Negative Declaration for a Revised Reclamation Plan for Lawyer Pit, Archie's Trucking and Backhoe, Inc., CA Mine ID# 91-09-0010, El Dorado County

Staff Report

**Approved**

4. Approval of Revised Reclamation Plan for Lawyer Pit, Archie's Trucking and Backhoe, Inc., CA Mine ID# 91-09-0010, El Dorado County

Staff Report

**Approved**

- \* 5. Adoption of Recirculated Regulatory Language Adding Section 3504.5, Annual Mine Inspections, to California Code of Regulations, Title 14.

Staff Report

**Adopted**

6. Consideration of Amended Reclamation Plan and Financial Assurance Cost Estimate for Otay Ranch Pit, CA Mine ID # 91-37-0035, Hanson Aggregates, Inc., City of Chula Vista.

Staff Report

**Interim Financial Assurances set at \$ 609,000**

- \* 7. Acceptance of Petition for Mineral Land Classification for the Handley Ranch Aggregate Resource Area, Granite Construction, Petitioner, as Recommended by the State Geologist.

Staff Report

**Accepted**

8. Approval of Amended Reclamation Plan, Interim Management Plan, and Financial Assurance Cost Estimate for Garnet Pit, CA Mine ID # 91-33-0031, Granite Construction Company, Operator; City of Palm Springs.

Staff Report

**Action Deferred until December meeting to allow for document revisions**

- \* 9. Adoption of Board's Surface Mine Inspection Guidelines to Assist the Department of Conservation and SMGB Staffs in Carrying Out the Requirements of PRC § 2774 (b) of SMARA

Staff Report

**Adopted**

**IX New Business**

**(Action)**

10. Discussion Concerning Possible Board Adoption of New State Reclamation Policies Requiring Backfilling and Site Recontouring of Open Pit Surface Mine Excavations for Metallic Minerals; Possible Approval of Draft Regulatory Language to Establish Such Policies, Further Direction to Staff to Take Such Actions as are Appropriate to Set Such Regulations for Formal Adoption by the

Board at the Earliest Feasible Opportunity.

Staff Report

**Emergency Regulations to be considered at December 12, 2002 meeting**

- \* 11. Hearing of an Order to Comply Issued September 12, 2002, to Oat Hill Quarry, CA Mine ID # 91-28-0002, Napa-Vallejo Waste Management Authority, City of American Canyon, for Failure to Correct Mine site Conditions Not in Compliance with the Approved Reclamation Plan, and for Failure to Provide an Financial Assurance Instrument in the Amount of \$253,380.

Staff Report

**Order Rescinded, Mine Site Conditions Corrected**

- \* 12. Issuance of an Order to Cease and Desist All Surface Mining Operations to Snows Road Quarry, CA Mine ID # 91-09-0012, El Dorado County, for Failure to Possess an Approved Financial Assurance in the Amount of \$116,826.

Staff Report

**Cease and Desist Order Issued**

- 13. Issuance of an Administrative Penalty to Diamond Quarry, CA Mine ID # 91-09-0003, Loring Brunius, Owner/Operator; El Dorado County, for Failure to Comply with an Order to Comply Issued July 11, 2002, for Failure to Correct Mine Site Conditions Not in Compliance with the Approved Reclamation Plan.

Staff Report

**Administrative Penalty Issued**

- 14. Issuance of an Administrative Penalty to Diamond Quarry, CA Mine ID # 91-09-0003, Loring Brunius, Owner/Operator; El Dorado County, for Failure to Comply with an Order to Cease and Desist All Surface Mining Operations Issued July 11, 2002.

Staff Report

**Administrative Penalty Issued**

- 15. Approval of Financial Assurance Cost Estimate for Chile Bar Slate Mine, CA Mine ID # 91-09-0004, Placerville Industries, Operator; El Dorado County

Staff Report

**Financial Assurance set for \$ 200,389**

- \* 16. Approval of 2003 SMGB Meeting Calendar

Staff Report

**Meeting Calendar approved as amended**

- \* 17. Public Hearing: Pursuant to PRC § 2696 (b) and CCR § 3723(a), a hearing will be conducted to receive public comments and recommendations for the Preliminary Seismic Hazard Maps specific to the areas encompassed in the Richmond, Oakland East, Oakland West, Briones Valley, Hunters Point, and San Leandro quadrangles in Alameda County

Staff Report

**X Special Reports and Department Presentations**

**(Information)**

(Based on these Reports, the Chairman may instruct the Board staff to initiate administrative actions)

- a) Report and Recommendations from the Department of Conservation's Office of Mine Reclamation on the City of Irwindale's Performance as a SMARA Lead Agency

**Report to be Updated at future meeting**

- b) Presentation of Mine Inspection Reports for the Following Surface Mines in El Dorado County:
- Bear Creek Aggregates, CA Mine ID # 91-09-0001
  - Eureka Slate Quarry, CA Mine ID # 91-09-0007
  - Somerset Sand Mine, CA Mine ID # 91-09-0009
  - Lawyer Pit, CA Mine ID # 91-09-0010
  - Snow's Road Pit, CA Mine ID # 91-09-0012
  - Garden Valley Aggregates, CA Mine ID # 91-09-0013

**All inspection reports accepted as presented**

- c) Report on Status of Pine Creek Mine Reclamation (CA Mine ID # 91-14-0007), Avocet Mining, PLC; Inyo County

**Report to be Updated at future meeting**

**XI SMGB Committee Reports**

**(Information)**

**XII Executive Session (Closed to the Public)**

[The Board will discuss information from its legal counsel on pending litigation and may take appropriate actions based on this information. This session is being held under Government Code

§ 11126.] Items to be discussed:

- a) Raney vs. SMGB, Case # SCVSS69392, San Bernardino Superior Court
- b) Calvert, et al vs. SMGB et al, Case # OOCs01434, Sacramento Superior Court
- c) Loring Brunius vs. SMGB, Case # PC 20010449, El Dorado County
- d) An un-named case where there is potentially significant exposure to litigation against the Board.

**XIII Reopen Regular Business Session, Announce Results of Executive Session**

**Legal action authorized for case: d)**

**XIV Announcements of Future Meetings**

**December 12, 2002 meeting to be in Sacramento; January 16, 2003 meeting to be in So. California**

**XV Adjournment**

**Adjourned at 5:15 p.m.**

## SMGB Meeting Agenda

November 14, 2002

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**NOTE** ITEMS TO BE CONSIDERED FOR PLACEMENT ON A BOARD MEETING AGENDA MUST BE SUBMITTED NOT LATER THAN THIRTY (30) DAYS PRIOR TO THE SCHEDULED MEETING.

**NOTE** BOARD MEETINGS ARE OPEN TO THE PUBLIC AND ARE HELD IN BARRIER FREE FACILITIES IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT. FOR ADDITIONAL INFORMATION OR ASSISTANCE, CONTACT THE BOARD OFFICE.

**NOTE** INFORMATION REGARDING STATE MINING AND GEOLOGY BOARD MEETINGS MAY BE OBTAINED BY CALLING THE BOARD OFFICE AT (916) 322-1082. COPIES OF STAFF REPORTS AND APPROVED MINUTES MAY BE OBTAINED BY WRITING THE BOARD OFFICE AT 801 'K' STREET, MS 24-05, SACRAMENTO, CALIFORNIA 95814 OR BY ACCESSING THE BOARD'S WEB SITE: <http://www.consrv.ca.gov/smgb/calendar>

**NOTE** IF YOU WISH TO COMMENT ON AN AGENDA ITEM OR SPEAK DURING THE PUBLIC COMMENTS PERIOD, PLEASE FILL OUT A "REQUEST TO SPEAK" FORM, AVAILABLE AT THE MEETING ROOM ENTRANCE, AND GIVE IT TO THE BOARD SECRETARY. PLEASE DELIVER THE FORM PRIOR TO THE ITEM BEING HEARD BY THE BOARD. DURING THE PUBLIC COMMENT PERIOD, EACH SPEAKER IS LIMITED TO A MAXIMUM OF THREE MINUTES. AT THE DISCRETION OF THE CHAIRMAN, MORE TIME MAY BE GRANTED.

**NOTE** INDIVIDUALS ARE ENCOURAGED TO SUBMIT WRITTEN STATEMENTS OF ANY LENGTH AND DETAIL TO THE BOARD. IT IS PREFERABLE THAT THESE STATEMENTS BE SUBMITTED AT LEAST FIFTEEN DAYS PRIOR TO THE MEETING SO THAT THE BOARD MEMBERS CAN PREVIEW THE INFORMATION BEFORE THE MEETING. PLEASE SUBMIT 12 COPIES OF ALL WRITTEN MATERIALS IN EXCESS OF TWO PAGES. THE BOARD WILL NOT REPRODUCE REPORTS IN EXCESS OF TWO PAGES OR LARGE MAPS, PHOTOS, OR OTHER DOCUMENTS REQUIRING SPECIAL HANDLING. **INDIVIDUALS ARE RESPONSIBLE FOR PRESENTING THEIR PROJECTS AT THE PUBLIC HEARING.**

**NOTE:** A CLOSED SESSION MAY BE CALLED BY THE CHAIRMAN TO DISCUSS LITIGATION AND OTHER PRIVILEGED ATTORNEY/CLIENT COMMUNICATIONS BY AUTHORITY OF GOVERNMENT CODE §11126(q) AND SACRAMENTO NEWSPAPER GUILD vs. SACRAMENTO COUNTY BOARD OF SUPERVISORS [1968] 266(b) CAL. APP. 2nd, 41; BASIS OF "LITIGATION" EXCEPTION IS THE ATTORNEY/CLIENT PRIVILEGE.

**NOTE** AS A STATE AGENCY, THE BOARD IS GOVERNED BY THE BAGLEY-KEENE OPEN MEETING ACT THAT REQUIRES THE BOARD TO (1) PUBLISH AN AGENDA AT LEAST TEN DAYS IN ADVANCE OF ANY MEETING; (2) DESCRIBE IN THE AGENDA SPECIFIC ITEMS TO BE TRANSACTED OR DISCUSSED; AND, (3) REFUSE TO ADD AN ITEM AFTER THE AGENDA IS PUBLISHED.